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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,786	12/03/2001	Keven D. Coates	TI-29940	7084

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TEXAS INSTRUMENTS INCORPORATED  
P O BOX 655474, M/S 3999  
DALLAS, TX 75265

EXAMINER
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PICH, PONNOREAY

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/998,786	<b>Applicant(s)</b> COATES, KEVEN D.	
	<b>Examiner</b> Ponnoreay Pich	<b>Art Unit</b> 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*ilc*

*5*

### **DETAILED ACTION**

Claims 1-9 have been examined and are pending.

#### ***Priority***

The examiner recognizes the applicant's right to an earlier effective filing date of 12/18/2000.

#### ***Specification***

The use of the trademark Diamond Multimedia, RIO, Compaq, Compaq iPAQ, and Compaq Personal Audio Player PA-1 have been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitations "said keyed inputs" and "said keys" in line 4. There are insufficient antecedent basis for these limitations in the claim.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over MPManic (<http://business.fortunecity.com/tisch/493/MPManReview.htm>) in view of Mannisto (US 5,808,084).

**Claim 1:**

MPManic discloses an audio player system comprising:

1. A memory (p4, paragraph 1).
2. Control keys to operate the player (p3, picture of MPManF10 and Chart on p5).

MPManic does not explicitly disclose the audio player system having a processor, but every electronic computing device must have a processor of some sort to carry out machine instructions to perform its functionality. In this case, the processor of the MP3 player disclosed by MPManic would be used to process MP3's for playback.

MPManic also does not disclose a circuit responsive to keyed inputs from said control keys for security locking the player from playing or recording. However, Mannisto discloses that it was known at the time the applicant's invention was made in the art of portable electronic devices using the keypad of the portable electronic to initiate a device or keypad lock on the portable device (col 1, lines 43-52). Mannisto discloses that such a keypad lock is useful for preventing accidental pressing of the keys of the portable device (col 1, lines 46-51). Plus, as the portable device that Mannisto discloses is a portable phone, locking the keypad also has the effect of locking the portable device from being used.

In light of Mannisto's teachings it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the audio player system disclosed by MPManic according to the limitations recited in claim 1. One of ordinary skill would have done so as it would prevent use of the player/portable electronic device once the device was locked (col 1, lines 9-11 and 20-24). Note that this would prevent anyone but the owner of the device from using the player to play or record without the owner's permission.

**Claim 2:**

MPManic and Manniso disclose all the limitations of claim 1. MPManic does not disclose said keyed inputs are a combination of normally used keyed inputs to operate the player. However, Manniso discloses the portable electronic device having a lock initiated by depressing a given sequence of two keys. The keys that are on an electronic device are the ones normally used to operate the device. In light of Manniso's teachings it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to further modify the combination system of MPManic and Manniso according to the limitation recited in claim 2. One of ordinary skill would have been motivated to do so for the same reason given in claim 1.

**Claim 3:**

MPManic and Manniso disclose all the limitations of claim 2. MPManic further discloses wherein said player is an MP3 player (p1, Introduction, paragraph 1).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over MPManic (<http://business.fortunecity.com/tisch/493/MPManReview.htm>) in view of Mannisto (US 5,808,084) and further in view of Moy (US 5,425,102).

**Claim 4:**

MPManic and Manniso disclose all the limitations of claim 3. MPManic and Manniso do not explicitly disclose wherein if the user forgets the security code, the system displays a hint. However, displaying hints for a forgotten password or pin was well known at the time the applicant's invention was made. It was further disclosed by Moy (col 2, lines 11-16).

In light of Moy's teachings, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to further modify the combination system of MPManic and Manniso according to the limitation recited in claim 4. One of ordinary skill would be motivated to do so because Moy discloses that it would enable users to use password protection without the fear that the password will not be recalled (col 2, lines 39-41).

Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over MPManic (<http://business.fortunecity.com/tisch/493/MPManReview.htm>) in view of Mannisto (US 5,808,084) and further in view of Altwasser et al (WO 91/15922).

**Claim 5:**

MPManic and Manniso disclose all the limitations of claim 3. MPManic and Manniso do not disclose wherein if the user forgets the security code for a

predetermined period of time the system becomes unlock. However, Altwasser discloses an electronic device wherein the device becomes unlocked automatically after a predetermined time period (abstract).

In light of Altwasser's teachings it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to further modify the combination system of MPManic and Manniso according to the limitations recited in claim 5. One of ordinary skill would have been motivated to do so as Altwasser discloses that it would minimize the inconvenience caused by forgetting the security code/pin number while maintaining the important function of the system (p5, paragraph 4, last line).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over MPManic (<http://business.fortunecity.com/tisch/493/MPManReview.htm>) in view of Mannisto (US 5,808,084) and further in view of Fielden (US 6,6314,283).

**Claim 6:**

MPManic and Manniso disclose all the limitations of claim 3. MPManic and Manniso do not explicitly disclose wherein the manufacturer can provide an unlocked security code over the modem connection to a personal computer cabled to the player.

However, the applicant discloses in the specification that it was well known for a player to be connected personal computer by a cable for data transfer (p1, lines 15-16). Further, the examiner asserts that it is well known for data to be transferred to a computer via a modem connection. Fielden further discloses a portable device (i.e. a

cell phone) that is factory programmed with a lock (col 3, lines 44-48). Fielden discloses also electronically transmitting a security code to unlock the portable device (col 3, lines 52-58). This reads on transmission via a modem connection.

In light of the above disclosure, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to further modify the combination system of MPManic and Mannisto according to the limitation recited in claim 6. One of ordinary skill would have done so as it would allow the manufacturer to have more control over their portable devices prior to being sold as disclosed by Fielden. It would also allow for the manufacturer to be sure that the user paid for the player properly as they would need to get an unlock code from the manufacturer prior to use. One of ordinary skill would be motivated to couple the player to the personal computer to receive the security code as the component for receiving data from a personal computer is already built into the player and interacting with the manufacturer through a personal computer is easier for the user than directly with a player with its limited number of keys.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mannisto (US 5,808,084) in view of MPManic (<http://business.fortunecity.com/tisch/493/MPManReview.htm>).

**Claim 7:**

Mannisto discloses a method of providing security to a portable electronic device comprising the steps of:



1. Providing a security lock to the portable electronic device (col 1, lines 43-52).
2. Keying in an unlocked code by a combination of keys presses to one or more of the normal operation keys (col 1, lines 43-52).

Mannisto discloses the method being used to prevent accidental key inputs to the portable electronic device, i.e. a mobile phone (col 1, lines 46-51). Mannisto does not explicitly disclose the portable electronic device being a player. However, portable electronic devices being a player was well known at the time the applicant's invention was made. This was also disclosed by MPManic (p1, Introduction, paragraph 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have incorporated the method of providing security to portable electronic devices as disclosed by Mannisto to players, which was disclosed by MPManic. One of ordinary skill would have done so for the same reason given in claim 1.

**Claim 8:**

Mannisto and MPManic disclose all the limitations of claim 7. Mannisto further discloses wherein the key presses are made sequentially (col 1, lines 43-52).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mannisto (US 5,808,084) in view of MPManic (<http://business.fortunecity.com/tisch/493/MPManReview.htm>) and further in view of Broyles et al (US 6,356,965).

**Claim 9:**

Mannisto and MPManic disclose all the limitations of claim 7. Mannisto and MPManic do not disclose the key presses are made at the same time. However, Broyles discloses the use of “hotkeys”—multiple keys which are pressed at the same time (col 6, lines 51-61) for invoking a special purpose function. The examiner asserts that unlocking a player is a special purpose function.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to further modify the combination method of Mannisto and MPManic, according to the limitation recited in claim 9 in light of Broyles teachings. One of ordinary skill would have been motivated to do so as Broyles teaches that pressing multiple keys simultaneously are used to invoke special purpose functions (col 6, lines 51-61).

***Conclusion***

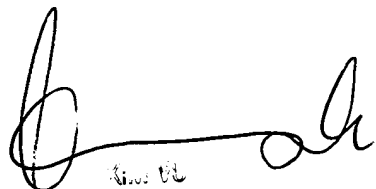
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ponnoreay Pich whose telephone number is 571-272-7962. The examiner can normally be reached on 8:00am-4:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PP



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